

SENATE BILL 3400
By Herron

AN ACT to amend Tennessee Code Annotated, Title 63,
relative to registration of pharmaceutical marketing
representatives.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-10-204, is amended by inserting the following as a new, appropriately designated subsection thereto:

() "Manufacturer representative" means a person who acts in an educational or marketing role on behalf of a manufacturer regarding prescription drugs or devices produced or sold by the manufacturer. "Manufacturer representative" does not include a lobbyist for a manufacturer.

SECTION 2. Tennessee Code Annotated, Section 63-10-209, is amended by deleting the phrase "manufacturer's representatives" from subsection (a) and by substituting instead the phrase "manufacturer representatives" and is further amended by deleting the phrase "Manufacturers or their agents" from subsection (b) and by substituting instead the phrase "Manufacturers or their agents, including manufacturer representatives,".

SECTION 3. Tennessee Code Annotated, Section 63-10-306, is amended by deleting subsection (f) in its entirety and by substituting instead the following:

(f) The board has the authority to license and register pharmacists, pharmacies, wholesalers, distributors, pharmacy technicians, manufacturers, manufacturer representatives, and such other persons as the board may be required to license under federal or state law upon requirements established by regulations of the board.

SECTION 4. Tennessee Code Annotated, Title 63, Chapter 10, Part 3, is amended by inserting the following as a new, appropriately designated section thereto:

(a) The board shall require annual registration of all manufacturer representatives doing business in this state. Initial registration shall be required beginning no later than January 1, 2007, in a manner determined by the board of regulation.

(b) At a minimum, the requirements for registration of a manufacturer representative shall include:

(1) That the person is a graduate of a recognized institution of higher learning with at least a bachelor's degree in pharmacy or a chemical, physical or biological science, except that a person who has engaged in activities as a manufacturer representative prior to January 1, 2007 is exempt from the requirements of this subdivision;

(2) That the person is employed by a manufacturer at the time of registration; and

(3) That the person has completed at least ten (10) hours of continuing professional education approved by the board in the previous calendar year, except that this subdivision shall not apply to an applicant's initial registration.

SECTION 5. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.